REMARKS

Claims 1-14 are currently pending in the present application, with new Claims 11-14 being added. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Hasegawa et al. (U.S. Patent No. 6,928,261) in view of Nishimoto (U.S. Patent Publication No. 2002/0000156). This rejection is respectfully traversed.

The present invention is directed to a system and method for storing and delivering a first and a second content to a client terminal (*e.g.*, a mobile phone or a personal computer, etc.). As shown in Fig. 2 of the present application, an example of a first content ca be musical score data, and an example of a second content can be MIDI data. The contents are delivered after being formatted together as a single composite content file (as recited in the claims).

Before the single composite content is delivered, a determination is first made as to a client terminal's identity and, using that identification information, determine whether the client terminal can process the first content in the format as stored. If it is determined that the client terminal cannot process the first content in the format as stored, then the first content is converted into a different format that can be processed by the client terminal. The converted first content (recited as "first content material of second format") is them combined with the second content into a single composite content and then delivered to the client terminal.

The present invention provides the advantage of delivering content in an appropriate format to each requesting client terminal without needing to store the content in various different formats, thereby dramatically reducing the storage capacity of the content delivery system.

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Neither Hasegawa nor Nishimoto contain any disclosure of determining format compatibility of a client device, converting a first content file in accordance with such a determination (if necessary), and then combining the first content file (either as stored or as converted) with a second content file to make a single composite file, and delivering the single composite file to the client device. (*See, e.g.,* Figs. 2 and 3 of the present application).

Rather, Hasegawa simply disclose a music data distribution system that is capable of generating music data corresponding to different types of file formats (*see* column 2, lines 41-44). Specifically, at step SB13 shown in Fig. 3, by referring to the correspondence table shown in Fig. 6B, the CPU 14 of the management server 2 converts the file format of the created music data into the file format reproducible at the user terminal 4 (see column 9, lines 32-35). As the Examiner acknowledged, Hasegawa does not show storing a first and a second content data. Furthermore, Hasegawa does not teach or suggest optionally converting only the first content data, and combining the first content data with the second content data to make a single composite content file.

Nishimoto, even when combined with Hasegawa, fails to make up the above-mentioned deficiencies. Nishimoto disclose a content generation service system, including a server and a client terminal, such as the personal computer 1 and the portable communication terminal 2 (as shown in Fig. 1). The client terminal includes the melody input section U1 and the parameter input section U2 as shown in Fig. 3. Melody information is provided to the client terminal by means of the melody input section U1 (*see* paragraphs [0052]-[0057]). The server 3 includes the melody database section S1 and the additional value generation section S2 as shown in Fig. 3. The melody database section S1 stores a plurality of music pieces. The additional value generation section S2 imparts the input melody with additional value data corresponding to the parameters designated via

the parameter input section U2 (see paragraphs [0075] and [0076]). However, like Hasegawa, Nishimoto is silent about generating a single composite content file including a plurality of content materials (namely, a first and a second content as recited in the claims).

In view of the above, Applicants respectfully submit that Claims 1-10 are not obvious in view of Hasegawa and Nishimoto.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032040800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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